



**UNITED STATES MARINE CORPS**

MARINE FORCES RESERVE  
2000 OPELOUSAS AVENUE  
NEW ORLEANS, LA 70114-1500

IN REPLY REFER TO

5720

Ser Counsel/2021-003796

11 March 21

***VIA ELECTRONIC MAIL***

Ms. Bethany L. Payton-O'Brien  
11251 Rancho Carmel Drive  
Unit 501385  
San Diego, CA 92150  
bethanyobrien.attorney@gmail.com

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST CASE NUMBER DON-USMC-2021-003796

Dear Ms. Payton-O'Brien:

This letter refers to your February 18, 2021, Freedom of Information Act (FOIA)/Privacy Act (PA) request to the Marine Forces Reserve (MARFORRES) for your client's non-judicial punishment appeal package, including endorsements response letters, legal memorandums, and any other materials prepared in response to the appeal.

Your request was received by this office on February 18, 2021, and assigned tracking number DON-USMC-2021-003796 by the FOIA online system. Please mention this tracking number in any correspondence regarding your request. You can access the FOIA online system at [foiaonline.regulations.gov](https://foiaonline.regulations.gov).

MARFORRES located responsive records per your request. One record is a legal memorandum, which I believe has already been provided to you. We are releasing that record to you with no redactions. The other three records are emails, which are not part of a System of Records Notice, and thus not subject to the Privacy Act. We are releasing those records with certain redactions pursuant to Title 5, United States Code, Sections 552(b)(5) and (6). Exemption (b)(5) was used to redact information that is considered attorney-client privileged information or that is part of a deliberative process and pre-decisional in nature, including but not limited to opinions and recommendations. Information redacted under (b)(6) could reasonably be expected to constitute an unwarranted invasion of personal privacy for third party individuals. More specifically, the information redacted pursuant to (b)(6) is the names and/or personal identifying information of third-party individuals.

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Since certain information has been withheld, you may consider this to be an adverse determination that may be appealed. If you have created an account in FOIAonline, you may submit your appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. If you do not have a FOIAonline account, you may send an appeal by regular mail to the Department of the Navy, Judge Advocate General (Code 14), Washington Navy Yard, 1322 Patterson Avenue, SE, Suite 3000, Washington, DC 20374-5066. Your appeal, if any, must be postmarked within ninety (90) calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal." Please mail a copy of your appeal to the Marine Forces Reserve FOIA Coordinator, 2000 Opelousas Ave, Room 4E5311, New Orleans, LA 70114-1500. If necessary, you have the burden of proving your appeal is submitted in a timely fashion.

You also have the right to seek assistance and/or dispute resolution services from the Marine Corps FOIA Public Liaison, Ms. Sally Hughes, at [hqmcfoia@usmc.mil](mailto:hqmcfoia@usmc.mil) or (703) 614-4008, and/or the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [christopher.a.julka@navy.mil](mailto:christopher.a.julka@navy.mil) or (703) 697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at [ogis@nara.gov](mailto:ogis@nara.gov) or (877) 684-6448. For more information online about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

No fees were assessed on this request. However, fees are assessed on a case-by-case basis, and you may be charged fees on future requests.

Should you have any questions, please feel free to contact me at (504) 697-8143 or [Anderson.Thomas@usmc.mil](mailto:Anderson.Thomas@usmc.mil).

Sincerely,

Anderson E. Thomas  
FOIA Coordinator  
U.S. Marine Forces Reserve